

20/10/2004

Application 09/756005
Examiner - Ella Colbert
Art Unit 3624

To: |
Examiner Ella Colbert

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OCT 21 2004

Subject: Application/Control Number 09/756005 Art Unit 3624

Following your response from 30/7/2004, I would like to reply to your rejections. I was unable to obtain the references cited in the Office Action and even after contacting the Patent Office I was still unable to get the references on time.

I tried to refer to the rejections in the best way I could without referring to specific lines and columns you have mentioned and I believe my answers might be sufficient. Yet, I would like you to send me the references so I can explain my answers in more accuracy. Because of the delay in obtaining the references which was not caused by me, I am also asking for an extension of a few weeks without paying fee.

The term "present invention" mentioned in this document refers to Application/Control Number 09/756005 Art Unit 3624 (Kabin's invention).

The following are attached here in addition to this document:

- This document (3 pages) contains my response.
- A corrected patent application.
- drawings

Inventor Name: Dan Kabin

Inventor signature _____

DAN KABIN
[Signature]

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Response to Claim rejections - (points number)

Claims 1 - 29 have been corrected and attached here.

The claims have been corrected in such a way as "particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention". The claims also have been corrected in such a way as the claims present now a technological basis.

I believe claims 1-12 should not be rejected under (US 5,350,906) Brody et al. because of the following:

1. Brody's invention refers to temporary PIN used at "an ATM machine to withdraw an amount equal or less than the temporary credit limit". The present invention does not refer to an ATM machine at all.

2. Brody's invention refers to physical ATM cards while the present invention refers to a virtual card. The virtual card does not have to exist physically.

3. Brody's invention is based on "using the existing ATM network" (Brody's claim number 1), while the present invention is not based on the ATM network and does not necessarily even based on any existing bank system.

4. In Brody's invention "The sender then inserts the first of four cards into the ATM machine which recognizes the one-time nature of the card and switches to a special control program" (Summary of the invention). This demonstrates again, the dependency of Brody's invention on the ATM system and the physical card.

5. In order for the recipient to access to the money "both halves" of the PIN number should be entered as described in the summary of Brody's invention: "This half PIN number is given to the sender who is then asked to add the second half of the PIN number. It will be this full PIN number, both halves, that will allow the recipient access to the money in the sub-account." (summary of Brody's invention). The method described in Brody's invention is much more complicated different than the method described in the present invention. In the present invention the sender only has to buy a virtual money card and inform the recipient of its details. Further more, an ATM System is not involved here.

I believe claims 13-15 should not be rejected under (US 5,350,906) Brody et al. in view of (US 6,339,766) Gephart because of the following:

Claim number 13 refers to claims number 1 or 2. While an issuing date, an expiry date and the card holder's personal details might seem obvious to one with ordinary skill in the art to combine with Brody's invention. I believe that after explaining the difference between Brody's invention and the present invention (above), this claim within the context of the present invention should not be rejected.

As per claim 14, I believe the reference to Gephart is not accurate. Gephart's invention is based on the association between a main account and a limited use account. Gephart's invention leans on the association between the two accounts. In the

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present invention there is no need for a connection or association at all between the users account and the virtual money card. In fact, in the preferred embodiment of the present invention a user doesn't even have to have any permanent account. A user can purchase a virtual card and pay for it in cash, or by credit card or by a check or in any other payment method that the issuing company will accept. The virtual money card can be bought like any other product or service. See also my previous response to an earlier Office Action regarding Gephart's invention. I also believe that because of the basic difference between the present invention and the inventions mentioned here as explained above, there is no reason to reject claims 13-15 under (US 5,350,906) Brody et al. in view of (US 6,339,766) Gephart.

I believe claims 16-20 should not be rejected under (US 6,295,522) Boesch because of the following:

1. Boesch teaches "A system and method for the use of stored value cards when either a consumer or a merchant does not possess a stored value card" (Abstract). "The stored-value card comprises a credit card-like device with a microchip embedded in the card" (Background of the invention).

The present invention does not relate to stored value cards as described in Boesch's invention. Further more, the present invention in its preferred embodiment does not refer to a physical card. The virtual money card does not have to actually exist physically. Further more, the virtual card does not have a microchip embedded in it.

2. Boesch's invention tries to solve a specific problem: "More specifically this invention relates to a system and a method for transferring electronic money between a customer and a merchant when one or the other does not possess a stored-value card or the underlying infrastructure." (Field of the invention).

The present invention does not relate to any specific system and is not related to a specific situation in which one or the other does not possess a stored-value card. The present invention offers a solution of payment and transferring money regardless of the systems used today by the merchants or customers and regardless of the customer's current credit cards/stored value cards. The present invention offers a new type of card: virtual money card.

I believe claims 21-29 should not be rejected under (US 6,295,522) Boesch in view of (US 5,350,906) Brody et al because of the following:

I believe that because of the basic difference between the present invention and the inventions mentioned here as explained also regarding claims 16-20, there is no reason to reject claims 21-29 under (US 6,295,522) Boesch in view of (US 5,350,906) Brody.

After reviewing the Patent Applications mentioned in your rejections, I believe there are basic differences between the present invention and the inventions mentioned as explained above. Therefore I believe the claims in the present invention should not be rejected.

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